



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1331

Introduced 2/9/2007, by Sen. Jeffrey M. Schoenberg

#### SYNOPSIS AS INTRODUCED:

725 ILCS 105/10

from Ch. 38, par. 208-10

Amends the State Appellate Defender Act. Provides that the State Appellate Defender may develop a Juvenile Defender Resource Center to: (i) study, design, develop, and implement model systems for the delivery of trial level defender services for juveniles in the justice system; (ii) in cases in which a sentence of incarceration or an adult sentence, or both, is an authorized disposition, provide trial counsel with legal advice and the assistance of expert witnesses and investigators from funds appropriated to the Office of the State Appellate Defender by the General Assembly specifically for that purpose; (iii) develop and provide training to public defenders on juvenile justice issues, utilizing resources including the State and local bar associations, the Illinois Public Defender Association, law schools, the Midwest Juvenile Defender Center, and pro bono efforts by law firms, and (iv) make an annual report to the General Assembly.

LRB095 10527 RLC 30744 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Appellate Defender Act is amended by  
5 changing Section 10 as follows:

6 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

7 Sec. 10. Powers and duties of State Appellate Defender.

8 (a) The State Appellate Defender shall represent indigent  
9 persons on appeal in criminal and delinquent minor proceedings,  
10 when appointed to do so by a court under a Supreme Court Rule  
11 or law of this State.

12 (b) The State Appellate Defender shall submit a budget for  
13 the approval of the State Appellate Defender Commission.

14 (c) The State Appellate Defender may:

15 (1) maintain a panel of private attorneys available to  
16 serve as counsel on a case basis;

17 (2) establish programs, alone or in conjunction with  
18 law schools, for the purpose of utilizing volunteer law  
19 students as legal assistants;

20 (3) cooperate and consult with state agencies,  
21 professional associations, and other groups concerning the  
22 causes of criminal conduct, the rehabilitation and  
23 correction of persons charged with and convicted of crime,

1 the administration of criminal justice, and, in counties of  
2 less than 1,000,000 population, study, design, develop and  
3 implement model systems for the delivery of trial level  
4 defender services, and make an annual report to the General  
5 Assembly;

6 (4) hire investigators to provide investigative  
7 services to appointed counsel and county public defenders;

8 (5) in cases in which a death sentence is an authorized  
9 disposition, provide trial counsel with legal advice and  
10 the assistance of expert witnesses, investigators, and  
11 mitigation specialists from funds appropriated to the  
12 State Appellate Defender specifically for that purpose by  
13 the General Assembly. The Office of State Appellate  
14 Defender shall not be appointed to serve as trial counsel  
15 in capital cases; ~~;~~

16 (6) develop a Juvenile Defender Resource Center to: (i)  
17 study, design, develop, and implement model systems for the  
18 delivery of trial level defender services for juveniles in  
19 the justice system; (ii) in cases in which a sentence of  
20 incarceration or an adult sentence, or both, is an  
21 authorized disposition, provide trial counsel with legal  
22 advice and the assistance of expert witnesses and  
23 investigators from funds appropriated to the Office of the  
24 State Appellate Defender by the General Assembly  
25 specifically for that purpose; (iii) develop and provide  
26 training to public defenders on juvenile justice issues,

1 utilizing resources including the State and local bar  
2 associations, the Illinois Public Defender Association,  
3 law schools, the Midwest Juvenile Defender Center, and pro  
4 bono efforts by law firms; and (iv) make an annual report  
5 to the General Assembly.

6 Investigators employed by the Death Penalty Trial  
7 Assistance and Capital Litigation Division of the State  
8 Appellate Defender shall be authorized to inquire through the  
9 Illinois State Police or local law enforcement with the Law  
10 Enforcement Agencies Data System (LEADS) under Section  
11 2605-375 of the Civil Administrative Code of Illinois to  
12 ascertain whether their potential witnesses have a criminal  
13 background, including: (i) warrants; (ii) arrests; (iii)  
14 convictions; and (iv) officer safety information. This  
15 authorization applies only to information held on the State  
16 level and shall be used only to protect the personal safety of  
17 the investigators. Any information that is obtained through  
18 this inquiry may not be disclosed by the investigators.

19 (d) For each State fiscal year, the State Appellate  
20 Defender shall appear before the General Assembly and request  
21 appropriations to be made from the Capital Litigation Trust  
22 Fund to the State Treasurer for the purpose of providing  
23 defense assistance in capital cases outside of Cook County and  
24 for expenses incurred by the State Appellate Defender in  
25 representing petitioners in capital cases in post-conviction  
26 proceedings under Article 122 of the Code of Criminal Procedure

1 of 1963 and in relation to petitions filed under Section 2-1401  
2 of the Code of Civil Procedure in relation to capital cases and  
3 for the representation of those petitioners by attorneys  
4 approved by or contracted with the State Appellate Defender.  
5 The State Appellate Defender may appear before the General  
6 Assembly at other times during the State's fiscal year to  
7 request supplemental appropriations from the Trust Fund to the  
8 State Treasurer.

9 (e) The requirement for reporting to the General Assembly  
10 shall be satisfied by filing copies of the report with the  
11 Speaker, the Minority Leader and the Clerk of the House of  
12 Representatives and the President, the Minority Leader and the  
13 Secretary of the Senate and the Legislative Research Unit, as  
14 required by Section 3.1 of the General Assembly Organization  
15 Act and filing such additional copies with the State Government  
16 Report Distribution Center for the General Assembly as is  
17 required under paragraph (t) of Section 7 of the State Library  
18 Act.

19 (Source: P.A. 93-972, eff. 8-20-04; 93-1011, eff. 1-1-05;  
20 94-340, eff. 1-1-06.)